

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 23, 2008. At the time of the Final Office Action, Claims 1, 3-6, 9, 11, and 13-17 were pending in this Application. Claims 2, 7, 8, 10, and 12 were previously cancelled without prejudice or disclaimer. Claims 1, 3-6, 9, 11, and 13-17 were rejected.. Applicant respectfully requests reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. §102**

Claims 1, 2, 6-8, 11, and 12 were rejected under 35 U.S.C. §102(e) as being anticipated U.S. Patent 6,545,852 issued to James H. Arnold (“Arnold”). Applicant respectfully traverse and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

All independent claims include the limitation of an amplifier for amplifying the control signal. It is presently unclear to which element in *Arnold* the Examiner refers as anticipating this limitation. According to the claim, a microcontroller generates a control signal which is amplified by the amplifier. This amplified signal is then monitored during a sleep mode and generates a wake-up signal when a disturbance of this signal occurs. *Arnold* neither discloses nor suggests such an arrangement.

The Examiner identified the amplifier or the step of amplifying as being disclosed in *Arnold* in col. 7, line 41 and Fig. 2. Applicant respectfully disagrees. *Arnold* discloses in col. 7, line 41:

*A Latch-Up Detector is used that includes a combination of gated differential amplifiers, shunted peak detectors, inverters, and differentials to produce a bi-polar latch-up detector.*

The details of the Latch-up detector/driver are disclosed in col. 12, lines 23-47. According to *Arnold*, the latch-up detector/driver comprises:

*The Latch-Up Detector/Driver electronics include the following: 1) an operating algorithm that increases the operational effectiveness of magnetic latching devices; 2) cost efficient electrical drive circuitry that provides a bi-polar pulse to efficiently operate pulse operated magnetic devices; 3) electronic circuitry to detect latch-up that occurs when the ElectroMagnetic Assembly (EMA) within the driven mechanism changes state (changes from one position to another); 4) internal monitoring circuits that inform the operator or other user of the operating status of both the electronics and external driven mechanism; 5) an isolation resistance monitor to check the isolation resistance between the electrical winding of the electromagnets and the magnetic pole structure on which the electromagnets are wound; 6) performance monitors that monitor the time required for the magnetic assembly to change state; 7) position determining circuitry that determines the physical position of the driven mechanism; 8) an unscheduled event detector to monitor the EMA for a change in position created by such events as vibration or shock to the driven element; 9) Unswitched, Switched, and Enabled power supplies that provide the necessary power to operate the various analog and digital components contained within the mechanism; 10) voltage monitors that provide an indication of an out of tolerance voltage condition; 11) a Manual Over-Ride System that allows a method of Applying/Releasing the brake that is independent of the electronics; and 12) an Unsafe Parking Brake Indicator and*

*associated logic that informs the driver or other user of the operating status of the parking brake system and also functions as a backup operating system in the event of microcontroller failure.*

Thus, the latch-up detector/driver merely comprises a detector for detecting the change of the mechanical position of the latching device. However, this detector merely compares to the step of “detecting actively a change in the switching state of the relevant load” of claim 1. The latch-up device comprises an unscheduled event detector. However, this device does not monitor a disturbance of the amplified control signal but merely detects a position change of the driven element due to shock or vibration.

Most importantly, the present independent claims 1 and 11 include the limitation of “*while the microcontroller is in a sleep mode detecting a disturbance of said control signal by detecting a change in the amplified control signal through a wake-up interrupt input of said microcontroller*”

Even though *Arnold* mentions a sleep mode, *Arnold* is completely silent what triggers a wake-up from such a sleep mode. In particular, all functions disclosed by *Arnold* are only disclosed for an operational state of the microcontroller namely when the ignition switch is turned on. *Arnold* neither mentions nor discloses a wake-up signal. *Arnold* merely mentions the general use of interrupt signals to interrupt current program flow. However, *Arnold* does not disclose the generation of a wake-up interrupt signal.

Hence, the independent claims are not anticipated by *Arnold*. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

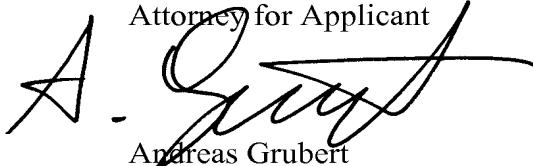
**CONCLUSION**

Applicant has now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
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Date: February 13, 2008

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